

The Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System

1. The authors of this Statement are all current or former United Nations human rights treaty body members acting in a personal capacity. We have adopted this Statement in a process convened by the Human Rights Law Centre of the University of Nottingham, following a meeting in which many of the signatories participated that took place in Dublin, Ireland, on 18 and 19 November 2009. We are mindful of the expressed wish of the United Nations High Commissioner for Human Rights to promote the strengthening and effectiveness of the treaty bodies and consider that it is opportune to contribute to a renewed reflection on this important topic.
2. The UN human rights treaty bodies have a unique global function in holding States accountable for the implementation of their obligations under those human rights treaties to which they are party. The treaty bodies have amassed many achievements and, severally and jointly, they have made a considerable contribution to the promotion and protection of human rights across the world.
3. The treaty bodies, without substantial coordination, over some 40 years, as the various treaties came into force and their separate monitoring bodies assumed their various specific functions, have developed into a system. As of 2009, there are nine treaty bodies (or "committees") and some 145 treaty body experts. All but one of the treaty bodies review periodic reports submitted by States, most issue General Comments or

Recommendations regarding the provisions of the various treaties and many consider individual communications and undertake inquiries, while one operates largely through field missions. They carry out these functions pursuant to committee-specific rules of procedure and with the support of a UN secretariat.

4. It has long been recognised that the treaty body system would benefit from institutional and other forms of strengthening in order to render it more efficient and effective. There have been a number of initiatives by the committees themselves and the United Nations Secretariat. One major reform proposal was contained in a 2006 “concept paper” of the then UN High Commissioner for Human Rights. That paper’s suggestion of a single unified treaty body was not widely supported. Since then reform efforts have been confined to the greater harmonisation of working methods. For instance, reporting procedures have been revised whereby States are encouraged to submit a wide-ranging common core document with information relevant to the work of all treaty bodies as well as targeted reports pertaining to the obligations specific to each of the treaties – a process that unfortunately is capable of addressing only a small number of concerns and which proceeds inevitably at a slow pace.
5. The present moment confronts the treaty body system with challenges and opportunities. The recent addition of three new treaty bodies to monitor three new instruments, while significantly widening the scope of treaty-based human rights protection and international oversight, has reinvigorated concerns regarding efficiency and effectiveness, evidenced by a multiplication of bodies and of experts. There are persistently high levels of non-compliance by States with treaty body procedures with, for example, escalating levels of non-submission of required reports. The general public remains largely unaware of the system, including of findings specific to their own countries. The secretariat resources available to treaty bodies are inadequate and the secretariat must support new procedures such as those of the Subcommittee on Prevention of Torture. The ever changing landscape of United Nations and other human rights mechanisms, not least the Universal Periodic Review procedure of the Human Rights Council, generates new issues and possibilities.

6. The constituency for the strengthening of the treaty body system includes the treaty bodies themselves, rights holders and States, as well as such stakeholders as non-governmental organisations and other human rights defenders, academic institutions, national human rights institutions, the Office of the High Commissioner for Human Rights, UN human rights special procedures and other UN actors.
7. The purpose of all forms of reform of the treaty body system must be the enhanced protection of human rights at the domestic level. Subsidiary goals, such as enhanced efficiency, must always be in service of this purpose. Reform should strengthen the capacity of rights-holders to enjoy their human rights and support States to carry out their obligations to implement fully these rights.
8. Reform initiatives should take account of and address the ever-changing environment for and structural challenges to the protection of human rights within which the treaty bodies operate. Reform needs also to take account of technological and related developments, in particular of the potential and challenges that are posed by the revolution in communications technologies, such as web casting and technologies that enhance access to treaty body proceedings.
9. Reform initiatives should always be undertaken in consultation among concerned stakeholders. Such consultations should be on the basis of clearly formulated issues and questions, and should be conducted in a manner that allows stakeholders to discuss the matters among themselves and give considered responses. Due account must be taken of views expressed in such consultations. All parties to reform should be prepared to engage in open-minded deliberation in a constructive spirit of consensus-building.
10. Reform should scrupulously avoid any initiatives that serve in purpose or effect to weaken or marginalise the protection of particular categories of human rights, such as those that address discrimination against women and on the basis of race in all its forms, the rights of the child, and the rights of persons with disabilities and of migrant workers.
11. Reform should be a continuing process rather than an isolated event. As such, reform can be characterised as a normal state of the treaty body system, where it, and other relevant stakeholders, continuously adapt to

changing circumstances. Reform can exist at multiple levels, such as at the domestic level, among States, within treaty bodies themselves and across the system, and it is possible for such initiatives to co-exist. Any significant future reform initiative should be undertaken in this context and be implemented in a manner that recognises the need of the system for ongoing change and development.

12. Reform should enhance the capacity of the treaty body system to address the human rights contained in the respective treaties, in a manner that respects the universality, indivisibility and the equal significance of all human rights.
13. Reform should be knowledge-based, drawing from careful observation of the diversity of global realities and analysis that is rooted in compelling theoretical considerations. It should take account of good and promising practice. In so doing, it should take careful note of experience within the treaty body system, as well as in analogous international, regional and domestic contexts. It should learn from the experience of previous treaty body reform efforts. It should be results-oriented.
14. Reform efforts should complement and strengthen existing achievements in the harmonisation of working methods of treaty bodies. Due account is to be taken of existing initiatives and frameworks, including that of the meetings of the chairpersons of the treaty bodies and Inter-Committee Meetings.
15. Reform should seek to strengthen the capacity of the treaty body system to undertake its diverse functions, including the consideration of State reports, the adoption of General Comments or Recommendations, the undertaking of thematic consultations and, depending on the respective mandates, the consideration of communications and the conducting of inquiries.
16. Reform that may require the amendment of treaties should be embarked upon only if the goals sought to be achieved cannot be attained by any other means and those goals are such as to justify the protracted and sometimes unpredictable process of amendment.
17. It is recommended that treaty bodies as a central actor in the process of strengthening the treaty body system continue to make all efforts, both

separately and in consultation with each other, to enhance and to further harmonize their procedures and working methods taking into account the evolving needs and challenges of human rights protection and with a view to further systematisation of their functioning. One important area of reform for treaty bodies is the sustained strengthening of systems for the follow up of all forms of treaty body recommendations and for further harmonisation of working methods relevant to follow up as well as for facilitation of a more systematic involvement of UN and other actors at the country level.

18. It is recommended that States consider reform issues at the national and multilateral levels. Reform options at the national level are often identified by treaty bodies. Among those matters of systemic significance that are repeatedly emphasised in this context, beyond the fundamental obligation to implement the treaties, are the acceptance of supervision procedures, the withdrawal of reservations, incorporation of treaties in domestic law, the enhancement of systems for the drawing up of reports in a manner that is integral for the fulfilment of the State's obligations under the treaties, the integration of such obligations into national development plans, the facilitation by States of greater involvement in treaty body proceedings of civil society organisations, the strengthening of national human rights institutional capacities, and education and training on the functioning of the treaty body system. States should promote a transparent process of dissemination and follow up to recommendations and to support public scrutiny of actions undertaken. There is also considerable scope to enhance the role played by Parliaments in promoting and supporting the implementation of treaty body recommendations at the national level.
19. It is recommended that States, acting multilaterally, consider such reform issues as the enhancement of the role and the potential of meetings of States parties to the various treaties, enhancement of the manner in which the reports of treaty bodies are received by the relevant political organs of the United Nations and the creation of an adequate financing basis for the treaty body system. States should also consider means to improve procedures for the nomination and the election of members of the treaty bodies, whereby the independence and expertise of elected members is fully assured.

20. It is recommended that non-governmental organisations seek to enhance the manner in which concerns of rights-holders are brought to the attention of treaty bodies and consider how they can strengthen their own coordination and cooperation with a view to effective engagement with committee proceedings and in order to promote awareness of treaty body findings at the domestic level. Civil society also should reflect on how best it can support and monitor the implementation of treaty body findings and recommendations.
21. It is recommended that national human rights institutions ensure that their work programmes prioritise attention to treaty body proceedings, for instance to provide information in the framework of the consideration of periodic reports, for the dissemination of treaty body findings and recommendations and in support of effective implementation of those findings and recommendations.
22. It is recommended that the Office of the High Commissioner for Human Rights (OHCHR) enhance and further consolidate the secretariat support provided to the treaty bodies, including by facilitating cooperation and exchange of best practices among them and increasing and diversifying its technical assistance to States parties. It is recommended that the Office enhance mainstreamed attention to the treaty body activities across all the Office's work areas, including its field operations.
23. It is recommended that the UN member States as a matter of high priority provide necessary resources to adequately service the functioning of the treaty body system including in particular through OHCHR and UN conference services and that OHCHR consider reallocation of resources to take due account of the importance of the treaty body system.
24. It is recommended that such UN entities as UNDP, UNICEF, UNIFEM and other funds and programmes seek to further prioritise support for the treaty body system and the implementation of its recommendations at the national level, including through delivery of capacity building for States and NGOs, training for law enforcement officers etc.
25. The High Commissioner for Human Rights has a key role in facilitating, enabling and supporting reform initiatives. We commend her for the manner in which she has already indicated that the enhancement of the

treaty body system is a priority for her Office and we support her in this endeavour. We call on all stakeholders to work together in pursuing this goal. We invite the High Commissioner to facilitate consultation among them with a view to devising a process to develop specific proposals for the strengthening of the treaty body system.

Dublin, 19 November 2009

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